

Order

Michigan Supreme Court
Lansing, Michigan

October 20, 2010

Marilyn Kelly,
Chief Justice

140840

Michael F. Cavanagh
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway
Alton Thomas Davis,
Justices

KATHY KAY NEVILLE,
Plaintiff-Appellant,

v

SC: 140840
COA: 294461
Wayne CC: 94-402973-DM

MARK T. NEVILLE,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the February 16, 2010 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for consideration, as on leave granted, of whether the trial court correctly held that the parties' November 14, 1994 divorce judgment limited the plaintiff's survivorship benefit to a proportionate interest based on years of marriage, that the divorce judgment conflicted with the 1995 Qualified Domestic Relations Order (QDRO) agreed upon by the parties, that the terms of the divorce judgment should control over the terms of the QDRO, and that the defendant's motion to have the QDRO amended was not time-barred.

We do not retain jurisdiction.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 20, 2010

Corbin R. Davis

Clerk